**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

WRIT PETITION No. 8824 of 2004

Between:

Vakada Govinda Rao S/o Veeraswamy,
R/o Vakadavaripalem, Kothapeta Mandal,

East Godavari District. ..... PETITIONER

AND

1 Sri Umakoppeswara Swamy Temple Palivela Village, Kothapeta Mandal, East Godavari District rep by Executive Officer.
2 The Assistant Commissioner of Endowments Dept., Rajahmundary, E.G. District.
3 The Regional Joint Commissioner, MZ-I, Endowments Dept Kakinada, East Godavari district
4 The Commissioner of Endowments, Govt of A.P., Tilak Road, Abids, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the public Auction Notification dated 25-4-2004 issued by the 1st respondent and order passed by the 2nd respondent in M.A. No. 96/2003 dated 8-11-2003 are arbitrary, illegal, null and void without jurisdiction, and contrary to the provisions of Act 30of 1987 as amended Act 27 of 2002 and rules made thereunder, and the same are liable to be set aside, and consequently direct the respondents to allow the petitioner to continue in the above land admeasuring Ac. 2-20-Cents covered by R.S. No. 203/1 of billakurru village, Kothapeta Mandal, East

Godavari District by Extending the benefits Under Sec 82(2) of the Act 30 of 1987 as amended Act 27 of 2002.

Counsel for the Petitioner : Mr.KAKARA VENKATA RAO

Counsel for the Respondents : SMT.N.INDRANI

The Court made the following :

**ORDER:**

Questioning the Auction Notification dated 25-4-2004 issued by the 1st respondent and order passed by the 2nd respondent in M.A. No. 96/2003 dated 8-11-2003, the present writ petition is filed seeking a direction to the respondents to allow the petitioner to continue in the above land admeasuring Ac. 2-20-Cents covered by R.S. No. 203/1 of billakurru village, Kothapeta Mandal, East Godavari District by Extending the benefits Under Sec 82(2) of the Act 30 of 1987 as amended Act 27 of 2002.

Heard the learned counsel for petitioner and the learned counsel for respondents.

In the counter affidavit filed by the first respondent, it is stated that against the impugned proceedings of the second respondent dated 8.11.2003, the petitioner has got alternative remedy of appeal before the third respondent under Rule 4 of Endowments Agricultural Land Lease Rules vide G.O.Ms.No.379 dated 11.3.2003.

In view of the same, the writ petition is dismissed granting liberty to the petitioner to approach the appropriate authority. There shall be no order as to costs.

_____

N.V.RAMANA, J

Date: 21.4.2005

DA/SVV

To

1 The Executive Officer, Sri Umakoppeswara Swamy Temple Palivela Village, Kothapeta Mandal, East Godavari District.
2 The Assistant Commissioner of Endowments Dept., Rajahmundary, E.G. District.
3 The Regional Joint Commissioner, MZ-I, Endowments Dept Kakinada, East Godavari district
4 The Commissioner of Endowments, Govt of A.P., Tilak Road, Abids, Hyderabad.

5 Two CCs to the G.P. for Endowments, High Court Buildings,

Hyderabad (OUT).

6 Two CD copies.